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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,042	02/26/2004	Pierre Lucien Cote	4320-556	2918
1059	7590	01/18/2007	EXAMINER	
BERESKIN AND PARR 40 KING STREET WEST BOX 401 TORONTO, ON M5H 3Y2 CANADA			MENON, KRISHNAN S	
			ART UNIT	PAPER NUMBER
			1723	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/18/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/786,042	COTE ET AL.	
	Examiner Krishnan S. Menon	Art Unit 1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 January 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 20-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 37 is/are allowed.
- 6) Claim(s) 20,21,23-36 and 38-40 is/are rejected.
- 7) Claim(s) 22 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Claims 20-40 are pending as amended 1/4/07.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 20,21,29-32, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Oscarsson (US 4,341,005).

Oscarsson teaches a header having a shell, a block of resin filling in the shell, the shell having hollow fibers potted with the resin, and a resin injection duct extending from the outer surface of the shell to the inside, the outlet of which is blocked by the resin after it is cured – see 23, figure 2 and column 2 line 67 – column 3 line 31. The duct has a bore through the sidewall. The recitation in the preamble, "... for water treatment module" is intended use.

2. Claims 20,21,29-31,33 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Juliar et al (US 5,395,468).

Juliar also teaches the header as claimed, with the injection duct at the base of the shell – see figure 11, header 104/106, injection port/ducts 108/110. The recitation in the preamble, "... for water treatment module" is intended use.

3. Claims 20,21,23-27 and 29-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Lowell (US 2002/0171172).

Lowell teaches a header (4) with potting compound, resin injections ducts (5,6, etc), plurality of protruding members (mandrel 2 and shell 1; two is plural), protruding members partially filled with resin, the resin injection ducts passing through the shell, the reference teaches injecting first and second potting compounds sequentially in claim 14, and different kinds of potting compounds. Since the 'cushioning material' is another potting compound that fills the shell, considering the broadest reasonable interpretation of the claims, the reference anticipates the cushioning material. The second (or the outer) protruding member (shell 1) is partially filled with the cushioning material. See figures 1-4.

4. Claims 20,29,30, 36 and 38-40 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 00/44478 (US equivalent used in the rejection: US 6,951,611 to Dannenmaier et al).

Dannenmaier teaches a header comprising a shell (47, figures 6 and 7), spaced-apart sidewalls (23, separated by the hinge (27) on one side and the potting conduit (55) on the other side), resin injection duct (55 with aperture 57 into the shell), the duct and the aperture plugged by the resin (column 9 lines 10-22), and a permeate collection cavity between the block of potting resin and the shell (47). The aperture is on the sidewall of the shell as claimed.

Allowable Subject Matter

Claim 37 is allowed.

Claim 22 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

First of all, the Examiner acknowledges and appreciates the applicant's recording of the two interview summaries from 10-18-06.

Applicant's arguments filed 1/4/07 have been fully considered but they are not persuasive.

Argument that the references are transient structures would not overcome the rejection. PTO considers the broadest reasonable interpretation of the claims.

Argument that the hollow fibers are not open to the permeate collection cavity, or that there is not permeate conduit, are not commensurate in scope with the claims – such limitations are not in the claims.

With respect to the resin injection duct in claim 29, giving the broadest reasonable interpretation, the hole in the wall is a duct, and the claims are anticipated by the references.

Regarding claim 23, the mandrel in Lowell is embedded in the resin, as is seen in the figures. With respect to the first and second potting compounds in Lowell, since the reference claims specifically two different potting compounds (first and second: see

claim 14), and paragraph 27 teaches that other configurations are well known in the art, the reference anticipates the claims. Applicant's argument that paragraph 27 teaches only injecting "a potting compound" would limit the potting compound to just one is not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krishnan S. Menon whose telephone number is 571-272-1143. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



11b/07

Krishnan S Menon
Primary Examiner
Art Unit 1723